

Larry J. Budd
#22110-175
P.O. Box 90043
Federal Correctional Inst.
Petersburg, VA 23804

November 28, 2007

Hon. James E. Seibert
U.S Magistrate Judge
U.S. District Court
Northern District of West Virginia
1225 Chapline Street
P.O. Box 471
Wheeling, West Virginia 26003

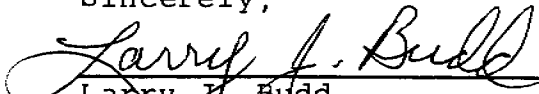
Re: Plaintiff Vaughn, Donta T.
Civil Action No. 5:07cv17

Dear Your Honor:

Plaintiff Donta T. Vaughn have been transferred from this facility and he has sent me a copy of your order in the above-mentioned for a response. Please be advised that I initially assisted Plaintiff Vaughn with the filing of his Civil Action Complaint and related documents and, as such, I have filed the enclosed response for him for submission to the Court. I would very much appreciate it if you would please contact Inmate/Plaintiff Vaughn (FCI Cumberland, MD #31523-037, P.O. Box 1000, Cumberland, Maryland 21501) and ascertain any other details regarding this matter and if he wishes me to proceed with assisting him throughout this civil action complaint.

Thanking you in advance for your assistance in this matter. I look forward to hearing from you as soon as possible. Additionally, I have signed the pleading, titled "Reconsideration of Order Denying Motion for Production of Documents" for Inmate and Plaintiff Vaughn in his absence.

Sincerely,


Larry J. Budd

received
12/11/07 *gs*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DONTA T. VAUGHN, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 5:07cv17
 : (Judge Stamp)
 MARTIN GARZA, et al., :
 :
 Defendants. :

Reconsideration of Order Denying
Motion For Production of Documents

On October 16, 2007, this Court denied PLaintiff's motion for production of documents from the Defendants in this Civil Action pursuant to Rule §26(a)(1)(E)(iii); the Court incorrectly applied the statute (Rule) to Plaintiff of a right enjoyed by federal statute and rule of the Fourth Circuit. For the reasons stated below, Plaintiff is respectfully requesting that the Court reverse and withdraw its October 16, 2007 Order and grant the motion for production of documents initially filed herein by the PLaintiff.

Rule §26(a)(1)(E)(iii) applies to "a petition for habeas corpus or other proceeding to challenge a 'criminal conviction or sentence;' " Plaintiff Vaughn has filed a Civil Complaint for damages pursuant to 42 U.S.C. §1983 et seq. for violation of his civil rights. Plaintiff Vaughn has not filed, in any form, a petition for habeas relief in this matter. Section ("E") defines those categories of proceedings that are exempt from initial disclosure under Rule §26(a)(1); Plaintiff Vaughn's civil action

does not fall under the categories listed under Section ("E").

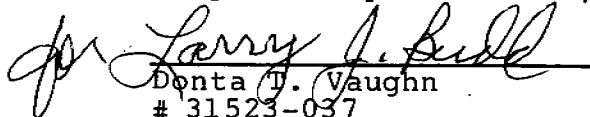
On April 10, 2007, this Court granted Plaintiff Vaughn permission to file and proceed in his civil rights complaint in forma pauperis and, as such, Plaintiff Vaughn is "counsel of record" with the Court in these proceedings until such time one of the following is taken: (a) the Court rescinds the forma pauperis status of the plaintiff; or (b) plaintiff has retained private counsel to prosecute this civil action through the court. Because none of the aforementioned have been undertaken, the record of the court and these proceedings provide that Plaintiff Vaughn is counsel of record and, consequently, Plaintiff is not prevented from seeking disclosure of the defendants in plaintiff's civil rights complaint. There is no doubt that plaintiff is in custody of the United States, but on April 3, 2007, this court processed and filed plaintiff's civil rights complaint by a "pro se plaintiff" pursuant to rules of the court and the Fourth Circuit. Consequently, Plaintiff Vaughn is therefore entitled to receipt of the relief sought in his pleadings for discovery of the defendants in this matter entirely.

Conclusion

Plaintiff Vaughn hereby respectfully request that the order of the court be reversed and withdrawn, that this matter be reinstated into the record, and that the relief sought in the pleadings ("Motion for Production of Documents") be forthwith granted.

Plaintiff further request that the Clerk of Court forthwith
notify and inform the defendants in this matter of same.

Respectfully submitted,



Donta T. Vaughn
31523-037

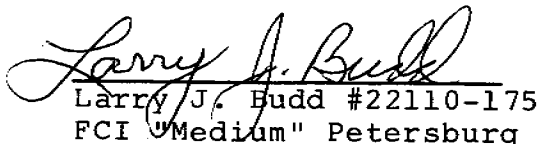
Federal Correctional Inst.--Cumberland
P.O. Box 1000
Cumberland, MD 21501

Dated: November 28, 2007.

Certificate of Receipt & Mailing

I, Larry Joseph Budd Federal Register No. #22110-175, do
hereby certify that I received the Order of the Court in this
matter, pertaining to Donta T. Vaughn, on the 27th day of November
2007, and have placed this response pleading for processing with
the court on the 28th day of November 2007 by depositing same
in the Inmate Legal Systems/Inmate Systems Manager.

Donta T. Vaughn have been transferred from the FCI Medium
at Petersburg, Virginia and I am presently responding to this
action until such notice from Plaintiff Vaughn.


Larry J. Budd #22110-175
FCI "Medium" Petersburg

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#22110-175
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Legal Mail